

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEREMY J. QUINN, JR.,

Plaintiff

v.

C-1-13-864

LT. ESHAM, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 44) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 44) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Plaintiff's motion to further amend his complaint

(Doc. 39) is GRANTED IN PART and DENIED IN PART. Apart from the “false claim” allegation against Correctional Officer Miller previously dismissed pursuant to 28 U.S.C. §1915e(2)(B), plaintiff’s Eighth Amendment and First Amendment claims against Miller are deserving of further development and may proceed at this juncture. Directions concerning service on defendant Miller are included in a Memorandum Order. Plaintiff’s Motion to Amend his Complaint a third time to reassert previously dismissed claims against SOCF’s Warden, Donald Morgan, or to reassert claims against the two SOCF nurses (James and Reiter), are DENIED because the proposed Amended Complaint continues to fail to state any viable federal claim against those individuals.

This case is RECOMMITTED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court